

USSN 09/738,959

Page 6 of 10

REMARKS

This response is intended as a full and complete response to the final Office Action mailed August 10, 2005. In the Office Action, the Examiner notes that claims 1-20 are pending and rejected, and claims 15 and 17 are objected to. By this response, claims 1, 10, 15, 17 and 20 are amended.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and 103.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Amendments to the Claims

By this response, claims 1, 10, 15, 17 and 20 are amended. The amendments to the claims are fully supported by the Specification, Drawings and Claims as originally filed. Thus, no new matter has been added and the Examiner is respectfully requested to enter the amendments.

The amendments to claim 1 are cosmetic and are intended to clarify the meaning of existing claim language. The amendments to claims 10 and 20 add claim language that has been previously presented in claim 1, and thus these amendments represent matter previously considered by the Examiner. The amendments to claims 15 and 17 align the language of these claims to what the Examiner has acknowledged he has already treated the claim language as reciting (see page 12 of the 8/10/05 Office Action).

Therefore, the amendments presented in this response are either cosmetic in nature or represent subject matter previously considered by the Examiner. As such, these amendments should be entered in response to the Final Office Action.

401978_1.DOC

USSN 09/738,959

Page 7 of 10

Rejection under 35 U.S.C. §102 of Claims 1-3, 7-17 and 20

The Examiner has rejected claims 1-3, 7-17 and 20 under 35 U.S.C. §102(e) as being anticipated by Blumenau (U.S. Patent 6,108,637, hereinafter "Blumenau").

Applicants respectfully traverse the rejection.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. The Blumenau reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

In particular, the Blumenau reference fails to teach or suggest at least "receiving, at a control unit, a directive to monitor a particular channel of a plurality of channels, transmitted from a content provider to said subscriber equipment, at a particular terminal associated with said provider equipment" and "receiving information representative of content being transmitted on the particular channel from the particular terminal," as recited in claim 1.

The Blumenau reference discloses "monitoring of the display at a content display site of content that is provided by a content provider site over a network to the content display site" (abstract). The Blumenau reference further discloses:

"As shown in FIG. 3B, the server computer at the content provider site 301 provides content to the client computer at the content display site 302 over the network communication line 303. According to this aspect of the invention, in response to the request for content from the content provider site 301, a set of monitoring instructions (which can be embodied, for example, in a computer program) are also transferred to the content display site 302. The transfer of the monitoring instructions can occur before, with or after the transfer of the content. As explained in more detail below, the monitoring instructions cause the client computer at the content display site 302 to monitor the display of the content to produce monitoring information regarding the manner in which the content is displayed. As shown in FIG. 3C, the monitoring information is transferred from the content display site 302 to the content provider site 301 over the network communication line 303." (column 10, line 55, to column 11, line 5)

Thus, the Blumenau reference discloses monitoring, at a content display site, the display of content provided to the content display site. However, the Blumenau

401978_1.DOC

USSN 09/738,959

Page 8 of 10

reference does not teach monitoring information provided to the content display site at a site associated with content provider site. By contrast, the claimed invention teaches monitoring a particular channel transmitted from a content provider to subscriber equipment, the monitoring occurring at a terminal associated with content provider equipment.

Therefore, the Blumenau reference fails to teach each and every element of Applicants' claimed invention, as arranged in the claim.

As such, Applicants submit that independent claims 1, 10 and 20 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 2-3, 7-9, and 11-17 depend, either directly or indirectly, from independent claims 1 and 10 and recite additional limitations thereof. As such, and at least for the same reasons as discussed above, Applicants submit that these dependent claims are also not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 4-6, 18 and 19

The Examiner has rejected claims 4-6, 18 and 19 under 35 U.S.C. §103(a) as being unpatentable over Blumenau in view of Sitnik (US-2002/0010935A1, hereinafter "Sitnik"). Applicants respectfully traverse the rejection.

Claims 4-6, 18 and 19 depend directly or indirectly from independent claims 1 and 10. Moreover, for at least the reasons discussed above, the Blumenau reference fails to teach or suggest Applicants' invention as recited in claim 1. Accordingly, any attempted combination of the Blumenau reference with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 4-6, 18 and 19 are not obvious and are patentable under 35 U.S.C. §103.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

401978_1.DOC

USSN 09/738,959

Page 9 of 10

Claim Objections

The Examiner has objected to claims 15 and 17 because "[B]oth claims cite the limitation 'the control system,' which does not have proper antecedent basis in the parent claim." As suggested by the Examiner, Applicants have amended claims 15 and 17 to recite "the control unit."

Therefore, Applicants respectfully request that the Examiner's objection be withdrawn.

Official Notices

The Office Action takes Official Notice. Applicant hereby traverses each Official Notice. The Examiner alleges that certain apparatuses and/or methods are well known in the art. However, the Applicant respectfully disagrees. These apparatuses and/or methods may not be well known within the specific art of the present invention and as specifically recited in their respective claims. Furthermore, it may not be well known to combine the allegedly well known apparatuses and/or methods with other apparatuses and/or methods recited in the respective claims or in other claims from which the respective claims may depend.

401978_1.DOC

USSN 09/738,959

Page 10 of 10


CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Stephen Guzzi at (732) 383-1405 or Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 10/11/05



Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808

401978_1.DOC